

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USEC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 7-29-14

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UNITED STATES OF AMERICA :

Plaintiff, : CONSENT PRELIMINARY ORDER
OF FORFEITURE AS TO
SPECIFIC PROPERTY

- v. - :

FREDERIC CILINS,
a/k/a "Frederic Francois
Marcel Cilins," :

Defendant. :

-----x

WHEREAS, on March 10, 2014, FREDERIC CILINS, a/k/a "Frederic Francois Marcel Cilins," the Defendant, was charged in a one-count Superseding Information, S2 13 Cr. 315 (WHP) (the "Information") with obstructing a criminal investigation, in violation of Title 18, United States Code, Section 1510(a) (Count One);

WHEREAS, the Information included forfeiture allegation as to Count One seeking, pursuant to Title 18, United States Code, Section 982(a) (1) (C), and Title 28, United States Code, Section 2461, the forfeiture of all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offense, including but not limited to a sum of United States currency

representing the amount of proceeds obtained as a result of the offense;

WHEREAS, on or about March 10, 2014, the Defendant pled guilty to Count One of the Information and admitted to the forfeiture allegation with respect to Count One of the Information pursuant to a plea agreement with the Government, wherein the Defendant agreed to forfeit all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offense, including but not limited to a sum of United States currency representing the amount of proceeds obtained as a result of the offense;

WHEREAS, on or about April 14, 2013, the Federal Bureau of Investigation seized at the time of the Defendant's arrest approximately \$20,000.00 in United States currency (the "Specific Property");

WHEREAS, the Defendant consents to the forfeiture of all of his right, title, and interest in the Specific Property;

WHEREAS, the Defendant agrees that the Specific Property is forfeitable to the United States because the Specific Property constitute or are derived from, proceeds obtained directly or indirectly as a result of the offense charged in Count One of the Information; and

WHEREAS, pursuant to Title 21, United States Code, Section 853(g), and Rules 32.2(b)(3), and 32.2(b)(6) of the Federal Rules of Criminal Procedure, the Government is now entitled, pending any assertion of third-party claims, to reduce the Specific Property to its possession and to notify any and all persons who reasonably appear to be a potential claimant of their interest herein;

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Preet Bharara, United States Attorney, Assistant United States Attorney Elisha J. Kobre, and Tarek Helou of counsel, and the Defendant, and his counsel, William J. Schwartz, Esq., that:

1. All of the Defendant's right, title and interest in the Specific Property is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of Title 21, United States Code, Section 853(n).

2. Upon entry of this Preliminary Order of Forfeiture as to Specific Property, the United States Marshals Service (or its designee) and the Federal Bureau of Investigation are authorized to seize the Specific Property and hold the Specific Property in their secure, custody and control.

3. Pursuant to Title 21, United States Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal

Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, the United States shall publish for at least thirty (30) consecutive days on the official government internet forfeiture site, www.forfeiture.gov, notice of this Preliminary Order of Forfeiture as to Specific Property. Any person, other than the Defendant in this case, claiming an interest in the Specific Property must file a petition within sixty (60) days from the first day of publication of the notice on this official government internet site, or no later than thirty-five (35) days from the mailing of actual notice, whichever is earlier.

4. This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Specific Property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title and interest in the Specific Property and any additional facts supporting the petitioner's claim and the relief sought, pursuant to Title 21, United States Code, Section 853(n).

5. Pursuant to Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, the Government shall send notice to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding.

6. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture with respect to the Specific Property pursuant to Title 21, United States Code, Section 853(n) and Rule 32.2(c)(2) of the Federal Rules of Criminal Procedure, in which all third-party interests will be addressed.

7. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Federal Rule of Criminal Procedure 32.2(e).

8. The Clerk of the Court shall forward three certified copies of this Consent Preliminary Order of Forfeiture as to Specific Property to Assistant United States Attorney Christine I. Magdo, Asset Forfeiture Unit, One St. Andrew's Plaza, New York, New York 10007.

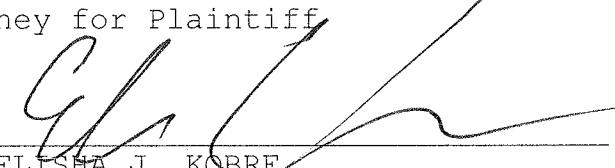
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9. The signature page of this Consent Preliminary Order of Forfeiture as to Specific Property may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

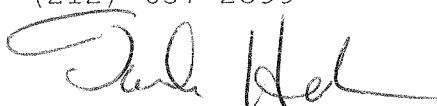
PREET BHARARA
United States Attorney for the
Southern District of New York
Attorney for Plaintiff

By:


ELISHA J. KOBRE
Assistant United States Attorney
One St. Andrew's Plaza
New York, New York 10007
Tel.: (212) 637-2599

7/25/14
DATE

By:


TAREK HELOU
U.S. Department of Justice
1400 New York Avenue, N.W.
(Bond Building) Washington, DC 20530
Tel.: (202) 305-3611

7/25/14
DATE

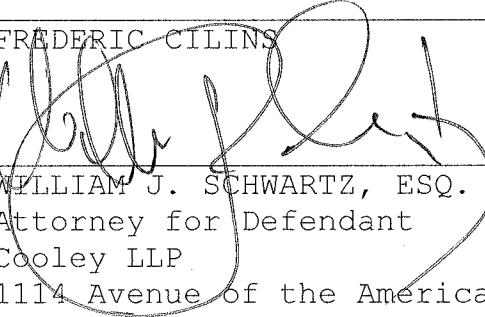
FREDERIC CILINS
DEFENDANT

By:


FREDERIC CILINS
WILLIAM J. SCHWARTZ, ESQ.
Attorney for Defendant
Cooley LLP
1114 Avenue of the Americas
New York, New York 10036
Tel.: (212) 479-6000

7/25/14
DATE

By:


WILLIAM J. SCHWARTZ, ESQ.
Attorney for Defendant
Cooley LLP
1114 Avenue of the Americas
New York, New York 10036
Tel.: (212) 479-6000

7/25/14
DATE

SO ORDERED:


WILLIAM H. PAULEY III U.S.D.J.

7-25-14

SO ORDERED:

HONORABLE WILLIAM H. PAULEY, III
UNITED STATES DISTRICT JUDGE

DATE